

REMARKS

Claims 20-39 are active. Support for these claims is found in the original claims and original copy of the specification as follows: claims 20-24 (Fig. 4, bottom of page 12), claim 25 (page 6, line 7), claim 26 (page 6, line 17), claim 27 (claim 8, page 6, lines 33-38; Example 1, page 8 *ff.*), claim 28 (page 6, line 31), claims 29-31 (claims 11-12, Example 1, page 8 *ff.*), claims 32-33 (page 6, line 12, Fig. 4), claims 34-35 (page 7, lines 10 *ff.*), claims 36-38 (claims 10-11, page 7, line 29-page 8, line 3), and claim 39 (claim 9, page 7, lines 1-8). No new matter has been introduced. Favorable consideration of this amendment and allowance of this case are respectfully requested.

Restriction/Election

The Applicants previously elected with traverse Group LXVIII, claims 2, 3, 5 and 13, directed to a peptide that comprises 8-11 consecutive amino acid residues of the MMP metalloproteinase and compositions containing it. The requirement has been made FINAL. The Applicants understand that additional species will be rejoined and examined upon an indication of allowability for a generic claim reading on the elected species. The Applicants respectfully request that the claims of the nonelected group(s) or other withdrawn subject matter which depend from or otherwise include all the limitations of an allowed elected claim, be rejoined upon an indication of allowability for the elected claim, see MPEP 821.04.

Information Disclosure Statement

The Applicants thank Examiner Duffy for fully considering the information disclosure statements attached to the Official Action. The pending patent applications, while considered, were crossed-out by the Examiner. The Applicants submit that this is unnecessary, since these documents were not disclosed on Form 1449 and thus would not be

published on the face of any resulting patent. Nevertheless, they thank the Examiner for indicating that they have been considered.

Priority

The Applicants thank the Examiner for acknowledging their foreign priority claims. Unless intervening prior art (i.e., art published between the foreign priority date and the U.S. filing date) is applied in a rejection or the application is involved in an interference proceeding, it is the Applicants understanding that a certified English translation of the priority document is not usually required, see MPEP 201.15.

Drawings

The drawings (Figs. 1-4) were objected to as not being disclosed in the specification. As suggested by the Examiner, a “Brief Description of the Drawings” has been added to the specification. Accordingly, this objection may now be withdrawn.

Objections—Specification and Abstract

The specification was objected to as containing undesignated trademarks and hyperlinks, undesignated amino acid sequences, and lacking a Brief Description of the Drawings, and the Abstract objected to for use of certain phrases. These objections are now moot.

Rejection—35 U.S.C. §101

Claims 2 and 3 were rejected under 35 U.S.C. 101, as being directed to non-statutory subject matter. This rejection is moot in view of the amendments above or in view of cancellation of these claims.

Rejection—35 U.S.C. §112, second paragraph

Claims 2, 3, 5 and 13 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §112, first paragraph

Claims 2, 3, 5 and 13 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate written description. This rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §112, first paragraph

Claims 2, 3, 5 and 13 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate written description for inducing a cytotoxic T cell response against a cell expressing MMP-2 is found inter alia in Example 3 which describes the ability of CTL clone M134.12 to recognize tumor cells of various types expressing MMP-2. Accordingly, this rejection may now be withdrawn.

Rejection—35 U.S.C. §112, first paragraph

Claims 2, 3, 5 and 13 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate enablement. The Applicants thank the Examiner for indicating enabled subject matter and submit that this rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §102

Claims 2, 3, 5 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by Keyomarsi, et al., U.S. Patent No. 5,763,219. This rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §102

Claims 2, 3, 5 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by Brooks, et al., U.S. Patent No. 6,500,924. This rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §102

Claims 2 and 5 were rejected under 35 U.S.C. 102(b) as being anticipated by Brooks, et al., WO/2002/098351. This rejection is moot in view of the amendments above.

Allowable Subject Matter

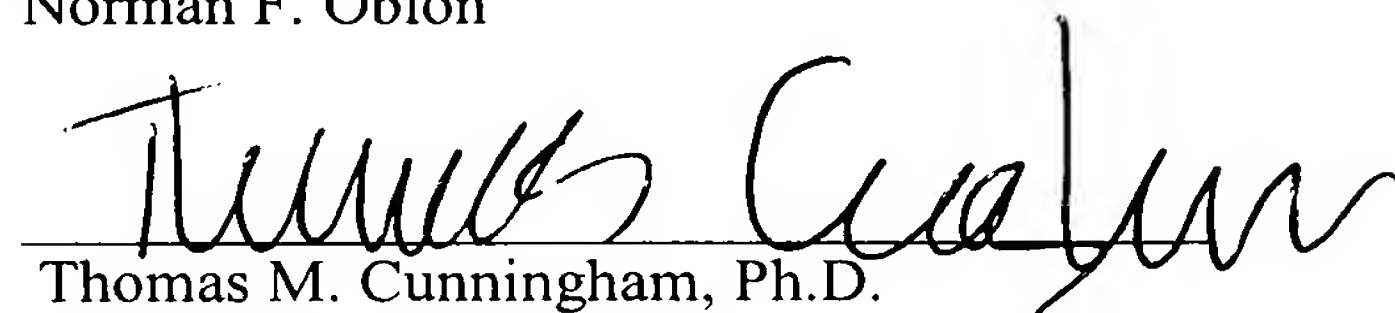
The Applicants are grateful for the indication of allowable subject matter in the peptide of SEQ ID NO: 1 indicated by the Examiner.

Conclusion

In view of the amendments and remarks above, the Applicants respectfully submit that this application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Thomas M. Cunningham", is written over a horizontal line.

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